

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2010-118085-001 DT

11/16/2012

HONORABLE JOSEPH C. WELTY

CLERK OF THE COURT  
D. McGraw  
Deputy

STATE OF ARIZONA

AARON HARDER

v.

MICHAEL JOHN JAKSCHT (001)

ROBYN GREENBERG VARCOE  
JENNIFER L WILLMOTT

DOB: 7/4/1963

APO-SENTENCE IMPRISON-CCC  
APPEALS-CCC  
AZ DOC  
DISPOSITION CLERK-CSC  
RFR

SENTENCE OF IMPRISONMENT AND JAIL

8:50 a.m. This is the time set for Sentencing.

Courtroom 5C South Court Tower

State's Attorney:	Aaron Harder
Defendant's Attorney:	Robyn Greenberg Varcoe
Knapp Counsel:	Jennifer Willmott
Defendant:	Present

Court Reporter, Robin Bobbie, is present.

A record of the proceeding is also made by audio and/or videotape.

Count(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, and 15: The Defendant was found guilty after a trial by jury.

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IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 Manslaughter  
Class 2 Dangerous Felony

A.R.S. § 13-1101, 13-1103, 28-3001, 28-3004, 28-3005, 28-3315, 13-701, 13-702, 13-801, and 13-704

Date of Offense: On or about March 25, 2010

Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

OFFENSE: Count 2 Manslaughter  
Class 2 Dangerous Felony

A.R.S. § 13-1101, 13-1103, 28-3001, 28-3004, 28-3005, 28-3315, 13-701, 13-702, 13-801, and 13-704

Date of Offense: On or about March 25, 2010

Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

OFFENSE: Count 3 Manslaughter  
Class 2 Dangerous Felony

A.R.S. § 13-1101, 13-1103, 28-3001, 28-3004, 28-3005, 28-3315, 13-701, 13-702, 13-801, and 13-704

Date of Offense: On or about March 25, 2010

Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

OFFENSE: Count 4 Manslaughter  
Class 2 Dangerous Felony

A.R.S. § 13-1101, 13-1103, 28-3001, 28-3004, 28-3005, 28-3315, 13-701, 13-702, 13-801, and 13-704

Date of Offense: On or about March 25, 2010

Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

OFFENSE: Count 5 Aggravated Assault  
Class 3 Dangerous Felony

A.R.S. § 13-1203, 13-1204, 28-3304, 28-3001, 28-3004, 28-3005, 28-3315, 13-701, 13-702, 13-801, and 13-704

Date of Offense: On or about March 25, 2010

Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

OFFENSE: Count 6 Aggravated Assault  
Class 3 Dangerous Felony

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A.R.S. § 13-1203, 13-1204, 28-3304, 28-3001, 28-3004, 28-3005, 28-3315, 13-701, 13-702, 13-801, and 13-704

Date of Offense: On or about March 25, 2010

Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

OFFENSE: Count 7 Aggravated Assault

Class 3 Dangerous Felony

A.R.S. § 13-1203, 13-1204, 28-3304, 28-3001, 28-3004, 28-3005, 28-3315, 13-701, 13-702, 13-801, and 13-704

Date of Offense: On or about March 25, 2010

Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

OFFENSE: Count 8 Aggravated Assault

Class 3 Dangerous Felony

A.R.S. § 13-1203, 13-1204, 28-3304, 28-3001, 28-3004, 28-3005, 28-3315, 13-701, 13-702, 13-801, and 13-704

Date of Offense: On or about March 25, 2010

Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

OFFENSE: Count 9 Aggravated Assault

Class 3 Dangerous Felony

A.R.S. § 13-1203, 13-1204, 28-3304, 28-3001, 28-3004, 28-3005, 28-3315, 13-701, 13-702, 13-801, and 13-704

Date of Offense: On or about March 25, 2010

Dangerous pursuant to A.R.S. § 13-604 - Non Repetitive

OFFENSE: Count 10 Endangerment

Class 6 Dangerous Felony

A.R.S. § 13-1201, 28-3001, 28-3004, 28-3005, 28-3315, 13-701, 13-702, 13-801, 13-812, and 13-704

Date of Offense: On or about March 25, 2010

Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

OFFENSE: Count 13 (Count 11 for Jury Presentation) Endangerment (Physical Injury)

Class 1 Misdemeanor (lesser-included offense)

A.R.S. § 13-1201, 28-3001, 28-3004, 28-3005, 28-3315, 13-701, 13-702, 13-801, and 13-812

Date of Offense: On or about March 25, 2010

Non Dangerous - Non Repetitive

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812 OFFENSE: Count 14 (Count 12 for Jury Presentation) Endangerment (Physical Injury)  
Class 1 Misdemeanor (lesser-included offense)  
A.R.S. § 13-1201, 28-3001, 28-3004, 28-3005, 28-3315, 13-701, 13-702, 13-801, and 13-

Date of Offense: On or about March 25, 2010

Non Dangerous - Non Repetitive

812 OFFENSE: Count 15 (Count 13 for Jury Presentation) Endangerment (Physical Injury)  
Class 1 Misdemeanor (lesser-included offense)  
A.R.S. § 13-1201, 28-3001, 28-3004, 28-3005, 28-3315, 13-701, 13-702, 13-801, and 13-

Date of Offense: On or about March 25, 2010

Non Dangerous - Non Repetitive

Janice Story, Bill Hulburd, Arlene Hayes, Sandra Nachand, Susan Nachand Prestidge, Ernie Lizarraga, Lorretta Lizarraga, Bob Weld, victim advocate Sarah Ford on behalf of several victims, and Paul Totonchi address the Court.

9:41 a.m. The court stands at recess.

9:57 a.m. Court reconvenes with the Defendant and respective counsel present.

Court Reporter, Robin Bobbie, is present.

A record of the proceeding is also made by audio and/or videotape.

Paul Totonchi, Stephanie Totonchi, Frank Rich, and Barbara Rich address the Court.

11:07 a.m. The court stands at recess.

11:26 a.m. Court reconvenes with the Defendant and respective counsel present.

Court Reporter, Robin Bobbie, is present.

A record of the proceeding is also made by audio and/or videotape.

Juror #3, Kevin Lukaszewski and Frank Kelley address the Court on behalf of the Defendant.

The Court advises all present that sentence will be pronounced at 1:30 p.m. this date.

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11:47 a.m. The court stands at recess.

1:30 p.m. Court reconvenes with the Defendant and respective counsel present.

Court Reporter, Robin Bobbie, is present.

A record of the proceeding is also made by audio and/or videotape.

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 10.5 year(s) from November 16, 2012  
Presentence Incarceration Credit: 955 day(s)  
Presumptive  
Sentence is concurrent with Counts 2, 3, 4.

Count 2: 10.5 year(s) from November 16, 2012  
Presentence Incarceration Credit: 955 day(s)  
Presumptive  
Sentence is concurrent with Counts 1, 3, and 4.

Count 3: 18 year(s) from November 16, 2012  
Presentence Incarceration Credit: 955 day(s)  
Aggravated  
Sentence is concurrent with Counts 1, 2, and 4.

Count 4: 18 year(s) from November 16, 2012  
Presentence Incarceration Credit: 955 day(s)  
Aggravated  
Sentence is concurrent with Counts 1, 2, and 3.

Count 5: 8 year(s) from after release from DOC in Counts 1-4  
Presentence Incarceration Credit: 0 day(s)  
Aggravated  
Sentence is concurrent with Counts 6 through 10 and 13 through 15 and consecutive to Counts 1 through 4.

Count 6: 8 year(s) from after release from DOC in Counts 1-4  
Presentence Incarceration Credit: 0 day(s)  
Aggravated

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Sentence is concurrent with Counts 5, 7 through 10 and 13 through 15 and consecutive to Counts 1 through 4.

Count 7: 8 year(s) from after release from DOC in Counts 1-4

Presentence Incarceration Credit: 0 day(s)

Aggravated

Sentence is concurrent with Counts 5, 6, 8 through 10 and 13 through 15 and consecutive to Counts 1 through 4.

Count 8: 8 year(s) from after release from DOC in Counts 1-4

Presentence Incarceration Credit: 0 day(s)

Aggravated

Sentence is concurrent with Counts 5 through 7, 9, 10, and 13 through 15 and consecutive to Counts 1 through 4.

Count 9: 8 year(s) from after release from DOC in Counts 1-4

Presentence Incarceration Credit: 0 day(s)

Aggravated

Sentence is concurrent with Counts 5 through 8, 10, and 13 through 15 and consecutive to Counts 1 through 4.

Count 10: 2.25 year(s) from after release from DOC in Counts 1-4

Presentence Incarceration Credit: 0 day(s)

Presumptive

Sentence is concurrent with Counts 5 through 9 and 13 through 15 and consecutive to Counts 1 through 4.

Count: 13 (Count 11 for Jury Presentation)

IT IS ORDERED that the Defendant be incarcerated in the Maricopa County Jail: 6 months

Beginning: after release from DOC in Counts 1 through 4

Count: 14 (Count 12 for Jury Presentation)

IT IS ORDERED that the Defendant be incarcerated in the Maricopa County Jail: 6 months

Beginning: after release from DOC in Counts 1 through 4

Count: 15 (Count 13 for Jury Presentation)

IT IS ORDERED that the Defendant be incarcerated in the Maricopa County Jail: 6 months

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Beginning: after release from DOC in Counts 1 through 4

Sentence in Counts 13-15 are concurrent with each other and with Counts 5 through 10 and consecutive to Counts 1 through 4.

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

ASSESSMENTS:

Count 1: PROBATION SURCHARGE: \$20.00.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail [cforeponse@mail.maricopa.gov](mailto:cforeponse@mail.maricopa.gov). The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Additional Monetary Information: RESTITUTION: The Court shall retain jurisdiction over the issue of restitution as to all counts for an initial period of 6 months from the date of this hearing. If documentation is received by the State, it is directed that it be forwarded to Defense counsel. Upon receipt by the Court, the Court shall execute an order or set a Restitution Hearing, upon request. The State shall notify the Victim Service Unit of the Adult Probation Department so that they may facilitate restitution efforts. The Defendant waives his presence for any future restitution hearings that may be held.

Community Supervision: Counts 1 through 10 - Imposed pursuant to A.R.S. § 13-603(I).

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

LET THE RECORD REFLECT that Counts 11, 12, and 16 were previously dismissed on August 1, 2011.

FILED: Defendant's Notice of Appeal from Superior Court and Designation of Record on Appeal

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1:49 p.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>.  
Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO



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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE JOSEPH C. WELTY  
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)